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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,107	08/07/2003	Craig Wilson	380201.91349	9129
26710 7590 09/18/2008 QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497				
EXAMINER MCDONALD, SHANTESE L				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
09/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/636,107

**Applicant(s)**

WILSON ET AL.

**Examiner**

Shantese L. McDonald

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 6-8, 10, 11, 13, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 6-8, 10, 11, 13, 19, 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8,10,11,13,19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable Gomas as modified by Haxton and Jenske and Jackson.

Gomas teaches a universal tool having a first lever member pivotally joined to a second lever member about a hinge point, each lever member having an elongated handle and an offset jaw having a rear grip and forward grip separated by an outward extension, each elongated handle has a rear grip separated by an outward extension, the forward grips extend forward from the outward extensions toward the hinge point so as to receive a thumb and forefinger of a user and allow gripping of the handles adjacent the hinge point wherein the forward grips are concave opening in a direction away from a centerline, (the forward grip which is the area located between the outward extension, 8A, and element 7A, in fig. 1, does have a component, the curve, which is considered to be concave in a direction away from the centerline), extending through the hinge point and along the working edges when in a closed position, wherein the rear grip of the handle of the first lever member is generally concave opening toward a centerline extending through the hinge point and along the working edges when in the closed position and wherein the rear grip of the handle of the second lever member has a first

segment adjacent the outward extension that is concave away from the centerline and a second segment adjacent the first segment that is concave toward the centerline, and the rear grip of the handle of the second lever member has a third segment adjacent the second segment and at an end opposite the hinge point that is concave away from the centerline and defines a finger retaining lip and wherein each of the rear grips defines at least one raised projection on an outer portion thereof adjacent the outward extensions, (fig. 1). Gomas teaches all the limitations of the claims except for the tool being a wire stripper, wherein the tip of each jaw includes an inwardly extending toothed section, the handle of the first lever member intersects the centerline and the handle of the second lever is disposed on the side of the centerline opposite the handle of the first lever member, and the forward grips being defined by a radii within a range of approximately 1 to 2 inches, hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position, and wherein the working edge of the first lever member includes a first cutting blade section and the working edge of the second lever member includes a second cutting blade section aligned with the first cutting blade, wherein the first and second cutting blade sections each define a plurality of serrations such that the serrations of the first cutting blade section of the first lever member are aligned with the serrations of the second cutting blade section of the second member, and wherein the first and second cutting blade sections each taper from their working edge in at least two oblique angles with respect to the working edges,

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the working edges being biased apart by a spring biasing member extending between the handles of the first and second lever members, and the forward grips being between the hinge point and the biasing member, and the tip of each jaw, the first and second cutting blade sections defining two distinct cutting planes, wherein the first and second cutting blade sections define a first acute angle surface adjacent the working edge and a second acute angle surface of an angle greater than the first surface and spaced from the working edge by the first surface. Haxton teaches a wire stripper, wherein the tip of each jaw includes an inwardly extending toothed section, 25, 26, the handle of the first lever member intersects the centerline and the handle of the second lever is disposed on the side of the centerline opposite the handle of the first lever member, (fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Gomas with the above listed limitations, as taught by Haxton, in order to enhance the tools gripping capabilities. Jenske teaches a hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position, and wherein the working edge of the first lever member includes a first cutting blade section, 18, and the working edge of the second lever member includes a second cutting blade section, 19, aligned with the first cutting blade, wherein the first and second cutting blade sections each define a plurality of serrations, 40, 41, such that the serrations of the first cutting blade section of the first lever member are aligned with the serrations of the second cutting blade section of the second member,

and wherein the first and second cutting blade sections, 34,35, each taper from their working edge in at least two oblique angles with respect to the working edges, (fig. 2), a spring, 20, which biases the handles apart, (col. 3, lines 30-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Gomas in view of Haxton with the above listed limitations, as taught by Jenske, since both inventions teach a wire stripper with first and second lever members. Jackson teaches first, 8, and second, 9, cutting blade sections defining two distinct cutting planes, wherein the first and second cutting blade sections define a first acute angle surface adjacent the working edge and a second acute angle surface of an angle greater than the first surface and spaced from the working edge by the first surface, (fig. 4, col2. lines 38-48). It would have been further obvious to provide the tool of Gomas as modified by Haxton with the above listed limitations, as taught by Jackson, in order to enhance the wire strippers cutting capabilities. It would have been further obvious to provide the tool of Gomas as modified by Haxton, Jenskse and Jackson with the forward grips being between the hinge point and the biasing member, as a matter of design choice, since it is obvious in the art to place a biasing member in various locations between the handles. It would have been further obvious to provide the tool with the forward grips being defined by a radii within a range of approximately 1 to 2 inches, since it has been held that where the general conditions of the claims are disclosed in the prior art discovering the optimum or workable ranges involves only routine skill in the art.

***Response to Arguments***

Applicant's arguments filed 5/12/08 have been fully considered but they are not persuasive.

The Applicant has added the limitation that the forward grips extend between the hinge point and the biasing member on the handles. This added limitation is a design choice. Where one would decide to place the spring between the handles is a matter of obvious design choice. It is well known in the art that the biasing member can be located at various locations between the handles.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.  
September 15, 2008

/Joseph J. Hail, III/  
Supervisory Patent Examiner, Art Unit 3723